

**IN THE CLAIMS:**

Please AMEND claims 3-6, 8, 11-14, 16, 18, 20, 22, 24, and 26;

Please CANCEL claims 1-2, 9-10, 17, 19, 21, 23, and 25, without disclaimer or prejudice; and

Please ADD claims 27-28, as shown below.

1-2 (Canceled)

3. (Currently Amended) The method of ~~claim 1~~claim 7, further comprising:  
determining the bit rate classes based on a required quality of service.

4. (Currently Amended) The method of ~~claim 1~~claim 7, further comprising:  
setting the bit rate classes based on a quality of service parameter, wherein the  
quality of service parameter comprises allocation retention priority.

5. (Currently Amended) The method of ~~claim 2~~claim 7, further comprising:  
when a maximum transmission power threshold is exceeded, decreasing the bit  
rate by allocating to a user the general minimum bit rate.

6. (Currently Amended) The method of ~~claim 2~~claim 7, further comprising:

when a maximum transmission power threshold is exceeded, decreasing the bit rate by allocating to a user a class-specific minimum bit rate.

7. (Previously Presented) A data transmission method, comprising:

- determining a number of bit rate classes;
- setting minimum bit rates for the bit rate classes;
- setting a general minimum bit rate;
- setting a maximum transmission power target;
- arranging resource requests into a queue;
- allocating resources in a telecommunication system according to the requests in the queue by using as bit rate allocation portions at least one of: the minimum bit rates for the bit classes and the general bit rate;
- if the maximum transmission power target is not achieved when resources have been allocated to all users in the queue,
- increasing bit rates based on the queue until the maximum transmission power target is achieved; and
- if the resource requests cause too much load in relation to the maximum transmission power target,
- decreasing a required number of bit rates in a predetermined way,

wherein the decreasing of the bit rates starts from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

8. (Currently Amended) The method of ~~claim 2~~claim 7, further comprising:  
if the general minimum bit rate or a class specific minimum bit rate is allocated to the users and the load remains too high, transferring a required number of users to a control channel.

9-10 (Canceled)

11. (Currently Amended) The radio network controller of ~~claim 10~~claim 15, wherein the bit rate class determination unit is configured to determine the bit rate classes based on a required quality of service.

12. (Currently Amended) The radio network controller of ~~claim 10~~claim 15, further comprising:  
a bit rate class setter configured to set the bit rate classes based on a quality of service parameter, wherein the quality of service parameter comprises allocation retention priority.

13. (Currently Amended) The radio network controller of ~~claim 10~~claim 15, wherein the bit rate decreaser unit is configured to decrease the bit rate by allocating the general minimum bit rate to a user.

14. (Currently Amended) The radio network controller of ~~claim 10~~claim 15, wherein the bit rate decreaser unit is configured to decrease the bit rate by allocating a class specific minimum bit rate to a user.

15. (Previously Presented) A radio network controller, comprising:

- a bit rate class determination unit configured to determine a number of bit rate classes;
- a bit rate setter unit configured to set minimum bit rates for the bit rate classes;
- a general bit rate setter unit configured to set a general minimum bit rate;
- a maximum transmission power target setter unit configured to set a maximum transmission power target;
- a queue unit configured to arrange resource requests into a queue;
- a resource allocation unit configured to allocate resources according to the requests in the queue by using as bit rate allocation portions at least one of: the minimum bit rates for the bit classes and the general bit rate;
- a bit rate increaser unit configured to increase bit rates based on the queue until the maximum transmission power target is achieved;

a bit rate decreaser unit configured to decrease the required number of bit rates in a predetermined way; and

a bit rate decrease initiation unit configured to start the decreasing of the bit rates from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

16. (Currently Amended) The radio network controller of ~~claim 10~~claim 15, further comprising:

a transference unit configured to transfer a needed number of users onto a control channel.

17. (Canceled)

18. (Currently Amended) A base station, comprising:

a resource arrangement unit configured to arrange resource requests into a queue;

a resource allocation unit configured to allocate resources according to the requests in the queue by using minimum bit rates as bit rate allocation portions;

a bit rate increaser unit configured to increase bit rates based on the queue until a maximum target set for a transmission power is achieved; and

a bit rate decreaser unit configured to decrease a required number of bit rates in a predetermined way; and

a bit rate decrease initiation unit configured to start the decreasing of the bit rates from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

19. (Canceled)

20. (Currently Amended) A radio network controller, configured to:

determine a number of bit rate classes;

set minimum bit rates for the bit rate classes;

set a general minimum bit rate;

set a maximum transmission power target;

arrange resource requests into a queue;

allocate resources according to the requests in the queue by using as bit rate allocation portions at least one of: the minimum bit rates for the bit classes and the general bit rate;

increase bit rates based on the queue until the maximum transmission power target is achieved; ~~and~~

decrease the required number of bit rates in a predetermined way; and

decrease the bit rates starts from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

21. (Canceled)

22. (Currently Amended) A base station, configured to:

arrange resource requests into a queue;

allocate resources according to the requests in the queue by using minimum bit rates as bit rate allocation portions;

increase bit rates based on the queue until a maximum target set for a transmission power is achieved;~~and~~

decrease a required number of bit rates in a predetermined way; and

decrease the bit rates starts from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

23. (Canceled)

24. (Currently Amended) A radio network controller, comprising:

means for determining a number of bit rate classes;

means for setting minimum bit rates for the bit rate classes;

means for setting a general minimum bit rate;

means for setting a maximum transmission power target;

means for arranging resource requests into a queue;

means for allocating resources according to the requests in the queue by using as bit rate allocation portions at least one of: the minimum bit rates for the bit classes and the general bit rate;

means for increasing bit rates based on the queue until the maximum transmission power target is achieved;~~and~~

means for decreasing a required number of bit rates in a predetermined way; and

means for decreasing of the bit rates starts from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

25. (Canceled)

26. (Currently Amended) A base station, comprising:

means for arranging resource requests into a queue;

means for allocating resources according to the requests in the queue by using minimum bit rates as bit rate allocation portions;



means for increasing bit rates based on the queue until a maximum target set for a transmission power is achieved; ~~and~~

means for decreasing a required number of bit rates in a predetermined way; and

means for decreasing of the bit rates starts from a first user who has a bit rate higher than the general minimum bit rate and a lowest priority, followed by a second user who has a bit rate higher than a class specific minimum bit rate and the lowest priority.

27. (New) The method of claim 7, further comprising:

setting maximum power of a radio link for the bit rates in such a way that the radio coverage area or cell size is the same for the bit rates.

28. (New) The method of claim 7, further comprising:

setting maximum power of a radio link for the bit rates to be equal and decreasing the bit rates of users having a high priority at a cell border.